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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,998	04/12/2004	Ian M. Chong	INTE-1-1002	4662
25315 7590 08/23/2007 BLACK LOWE & GRAHAM, PLLC 701 FIFTH AVENUE SUITE 4800 SEATTLE, WA 98104			EXAMINER KING, ANITA M	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/822,998	CHONG ET AL.	
	Examiner	Art Unit	
	Anita M. King	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007 and 17 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 39-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-14, 16, 20-27, 30-32 and 35 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 15, 17-19, 28, 29, 33, 34 and 36-38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the fifth office action for application number 10/822,998, Apparatuses Systems, and Method for Positioning a Powered Tool, filed on April 12, 2004.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 16, 2007 has been entered.

Election/Restrictions

Claims 39-43 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 30, 2006.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the limitation of motivating fluid/force is not provided for in the specification.

Response to Amendment

The indicated allowability of claims 13 and 32 is withdrawn in view of the newly discovered reference(s) to Maina. Rejections based on the newly cited reference(s) follow.

Claim Objections

Claim 5 is objected to because of the following informality: in line 2, "a" (first occurrence) should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7, 11-13, 20-26, and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 2,231,631 to Maina. Maina discloses an apparatus for supporting a tool, the apparatus comprising: a support member, the support member being adjustable in length in response to changing a volume of motivating fluid/force (Col. 2, line 50 - Col. 3, line 1ff) held between a first end and a second end; a control device (7) operably coupled with the support member, the control device being configured to change the volume of motivating fluid/force receive a supply of a motivating force and a in response to activation of a user input, the control device being further configured to change the volume by alternately admitting motivating fluid/force from a source or exhausting the motivating fluid/force held by the support member a tool bracket (6) disposed at the first end of the support member, the tool bracket being configured for receiving a tool and including a tiltable coupling (5) joining

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the tool bracket to the support member such that the tool bracket is tiltable relative to a position of the support member; a base end (1) disposed at the second end of the support member, the base end being configured to engage a supporting surface; wherein the support member includes an extensible cylinder (3), the extensible cylinder configured for holding the volume of motivating fluid/force and including a shaft (4) and a housing (2), the shaft being slideable within an inner channel of the housing such that relative positioning of the shaft within the housing causes the support member to one of to extend and to contract; wherein the support member includes a pressure cylinder and the motivating fluid/force includes a pressure source (air); wherein the control device is configured to direct a volume of motivating fluid/force under pressure from the pressure source into the pressure cylinder causing the shaft to extend from the housing thereby causing the support member to extend when the user input indicates the support member is to be moved to an extended position; wherein the control device is configured to direct a volume of motivating fluid/force under pressure from the pressure source into the pressure cylinder causing the shaft to retract into the housing thereby causing the support member to contract when the user input indicates the support member is to be moved to a contract position; wherein the control device is configured to release a volume of motivating fluid/force under pressure from the pressure cylinder allowing the shaft to retract into the housing thereby allowing the support member to contract when the user input device is motivated to a contract position; wherein the pressure cylinder includes a pneumatic cylinder and the pressure source includes a pressurized gas source; wherein the control device includes a multiple-position control including an extend position, a contract position, and a neutral position, the control device being configured such

that when the multiple-position control is in the neutral position the control device neither directs the support member to extend nor to contract; wherein the control device includes an extend control and a contract control, the control device being configured so that when neither the extend control and the contract control is actuated, the control device neither directs the support member to extend nor to contract; wherein the control device includes at least one of a hand-operable device or a foot-operable device (8).

Claims 1, 11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Marti. Marti discloses an apparatus for supporting a tool, the apparatus comprising: a support member, the support member being adjustable in length in response to changing a volume of motivating fluid/force (Col. 2, line 44ff) held between a first end and a second end; a control device (7 & 9) operably coupled with the support member, the control device being configured to change the volume of motivating fluid/force receive a supply of a motivating force and a in response to activation of a user input, the control device being further configured to change the volume by alternately admitting motivating fluid/force from a source or exhausting the motivating fluid/force held by the support member a tool bracket (21) disposed at the first end of the support member, the tool bracket being configured for receiving a tool and including a tiltable coupling (17) joining the tool bracket to the support member such that the tool bracket is tiltable relative to a position of the support member; a base end (2) disposed at the second end of the support member, the base end being configured to engage a supporting surface; wherein the control device includes a multiple-position control including an extend position, a contract position, and a neutral position, the control device being configured such that when the multiple-position control is in the neutral

position the control device neither directs the support member to extend nor to contract; wherein the control device includes at least one of a hand-operable device (7) or a foot-operable device; and a support handle (29) extending from the tiltable tool bracket.

Claims 1, 11-13, 20, and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,510,972 to Thompson. Thompson discloses an apparatus for supporting a tool, the apparatus comprising: a support member (21), the support member being adjustable in length in response to changing a volume of motivating fluid/force (Col. 3, line 65ff) held between a first end and a second end; a control device (A, coupled through 34, 36, 37, & 38) operably coupled with the support member, the control device being configured to change the volume of motivating fluid/force receive a supply of a motivating force and a in response to activation of a user input, the control device being further configured to change the volume by alternately admitting motivating fluid/force from a source or exhausting the motivating fluid/force held by the support member a tool bracket (24) disposed at the first end of the support member, the tool bracket being configured for receiving a tool and including a tiltable coupling (Col. 3, line 39ff) joining the tool bracket to the support member such that the tool bracket is tiltable relative to a position of the support member; a base end (1) disposed at the second end of the support member, the base end being configured to engage a supporting surface; wherein the control device includes a multiple-position control including an extend position, a contract position, and a neutral position, the control device configured such that when the multiple-position control is in the neutral position the control device neither directs the support member to extend nor to contract; wherein the control device includes an extend control and contract control, the control device being configured so that

when neither the extend control and the contract control is actuated, the control device neither directs the support member to extend nor contract; and wherein the control device includes at least one of a hand-operable device (30, 31) or a foot-operable device.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 8 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maina in view of U.S. Patent 4,245,826 to Wirges. Maina further discloses a pressurized liquid (Col. 3, line 3). Maina discloses the claimed invention except for the limitation of the pressure cylinder including a hydraulic cylinder and the pressure source. Wirges teaches an adjustable length support member including a hydraulic cylinder and the pressure source including a pressurized liquid source. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the cylinder in Maina to have been a liquid pressurized hydraulic cylinder for the purpose of providing an alternative, mechanically equivalent means for adjusting the height of the support member.

Claims 16 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maina in view of U.S. Patent 2,601,998 to Murray. Maina discloses except for the limitation of the tiltable coupling including at least one of rotatable joint and swiveling joint. Murray teaches an apparatus comprising a support member, a tiltable coupling (42 & 44), and wherein the coupling includes at least one of rotatable joint and swiveling joint. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

have modified the coupling in Maina to have included the coupling as taught by Murray for the purpose of providing more degrees of freedom (adjustability) of the coupling to achieve a desired angle of orientation of the tool bracket.

Allowable Subject Matter

Claims 9, 10, 15, 17-19, 28, 29, 33, 34, and 36-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments


Applicant's arguments with respect to claims 1-8, 11, 12, 14, 16-27, 30, 31, 33, and 35-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Anita M. King
Primary Examiner
Art Unit 3632

August 20, 2007